1950.

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File No. Housing Board/50

Legal Department

A BRANCH

Subject:—Opinions under the Bombay Housing Board Act 1948

P-3

E

File No. Housing Board/50

718-A

C O N T E N T S.

Legal Department File No. Official Board 1960. O Housing

Sr. No.	Compilation No.	Subject	Pages.
	Official Board 1960.	Opinions under the Bombay Housing Board Act, 1948.	
		Section 23	
1.	O. J. 16464. 23-11-1960.	Re:- Construction and reconstrucion of buildings will always be subject to the Control of Govt. under---	1-2

A
12/6

R.I.No. 18141/4-10-50.

Submitted.

The Bombay Housing Board is of the view that under section 24(f) of the Bombay Housing Board Act, 1948 it can undertake the construction of any type of buildings in their housing scheme and under section 31 the Board may vary the programme also. Labour and Housing Department is of the view that construction and reconstruction of buildings will always be subject to the control of the Government under section 23 and that under section 31 the Board's power to vary the programme or part of it as already sanctioned by Government is restricted in the sense that such variation must not affect the scope or purpose of the sanctioned programme and that only minor variations in the programme can be undertaken by the Board. The R.L.A. is requested to advise in the matter.

2. Section 23 of the Bombay Housing Board Act, 1948 (LVIX of 1948) provides that subject to the provisions of this Act and subject to the control of the State Government the Board may incur expenditure and undertake works in any area to which this Act applies for the framing and execution of such housing schemes as it may consider necessary from time to time or as may be entrusted to it by the State Government.

Under sub-section (1) of section 26 the Board has to prepare and forward a programme to the State Government in the prescribed form. Under sub-section (2) the programme shall contain particulars of housing schemes and of any undertaking which the Board propose to organise etc. Section 24(f) provides that the housing scheme may provide the construction and reconstruction of buildings. Under Section 28 the State Government may sanction the programme with such modifications as it deems fit. It would therefore be obvious that the construction and reconstruction of buildings in the housing scheme will not only be subject to the control of the State Government but the Government has also power to modify it as it thinks fit. Under section 31 the Board may at any time vary any programme or any part thereof included in the programme sanctioned by the State Government. Provided that no such variation shall be made if it involves an expenditure in excess of 10 per cent of the amount as originally sanctioned for the execution of any housing scheme included in such programme or affects its scope or purpose. Section 32 provides that after the programme has been sanctioned and published by the State Government under sections 28 and 29 the Board shall, subject to the provisions of section 31, proceed to execute the housing schemes included in the programme. It would therefore appear that the Board's power to

vary the programme or part of it as already sanctioned by Government is limited to below 10 per cent of the amount originally sanctioned. Such variation also cannot affect the scope and the purpose of the programme already sanctioned. A The view taken by Labour and Housing Department in its note dated 30-9-50 is correct. A/A

Sd/- P.S.Nadkarni.
13/11

A.L.R. I agree R.T.K.
13/11

R.L.A. A may be the reply
P.M.L.
21/11 Reply A-A.
U.O.R. to the L & H.D.
No. 16484 dt. 23-11-1950.